

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 16-0387**

**ALTHERR v. ALTHERR**

**Appellate Case Information**

Case Filed: 30-Jun-2016

Case Closed:

**Dept/Composition**

**Side 1. ROBERT ALTHERR, Plaintiff/Appellant**

(Litigant Group) ROBERT ALTHERR

- Robert Altherr, Counter-Defendant

**Attorneys for: Plaintiff/Counter-Defndnt/Appellant**

Robert S Porter, Esq. (AZ Bar No. 3838)

**Side 2. LARRY A ALTHERR, Defendant/Appellee**

(Litigant Group) LARRY A ALTHERR

- Larry A Altherr, Counter-Claimant

**Attorneys for: Defendant/Counter-Claimant/Appellee**

David K Wilhelmsen, Esq. (AZ Bar No. 7112)

Lance B Payette, Esq. (AZ Bar No. 7556)

**CASE STATUS**

Nov 18, 2016...At Issue

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YAV V1300CV201580080	Unclassified Civil		Jeffrey G Paupore, Authoring Judge of Order		

**CALENDAR**

Friday MOTION CALENDAR

23-Dec-2016 Department M;

File date: 12/12/2016..... \* Motion to Consolidate (Appellant)

*DECISION RENDERED: See proceeding entry for ORDER dated 3-Jan-2017 for more information...*

**31 PROCEEDING ENTRIES**

- 30-Jun-2016 FILED: Index of Record, Notice of Appeal from Yavapai County Superior Court filed 06/03/16
- 30-Jun-2016 FILED: e-Record on Appeal:  
Instruments/Minute Entries  
Exhibits: None
- 5-Jul-2016 FILED: Notice to Parties re: Plaintiff/Counter-Defendant/Appellant's Fee/Case Management Statement/Brief Due
- 8-Jul-2016 RECEIPT No.: 2016-00840 ; \$280.00, Check Number: 12395, Applied to: ROBERT ALTHERR - Class A Filing Fee (\$280.00)  
Paid for: - By Bob Porter Attorney
- 13-Jul-2016 FILED: Case Management Statement (Appellant)
- 14-Jul-2016 FILED: Appellee's Notice re: Appellee's Fee; Appellant's Brief Due
- 19-Jul-2016 FILED: Notice of Appellee Filing Fee Payment; Appellees' Certificate of Filing and Service for Notice of Appellee Filing Fee Payment (Appellee)
- 22-Jul-2016 RECEIPT No.: 2016-00906 ; \$140.00, Authorization: #03018877341, Applied to: LARRY A ALTHERR - Class B Filing Fee (\$140.00) Paid for: Favour Moore & Wilhelmsen PA - By Integrated Resources System IN
- 26-Aug-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
- 6-Sep-2016 FILED: Plaintiff/Appellant's Opening Brief; Certificate of Compliance; Appellant's Certificate of Service; Courtesy Copy - First Amended Compliant filed 06/22/2015 in Yavapai County Superior Court (Appellant)

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 16-0387****ALTHERR v. ALTHERR****31 PROCEEDING ENTRIES**

11. 6-Sep-2016 FILED: Courtesy Copy - Larry Altherr's Motion for Partial Summary Judgment filed 02/22/2016 in Yavapai County Superior Court; Courtesy Copy - Larry Altherr's Separate Statement of Facts in Support of Motion for Partial Summary Judgment filed in Yavapai County Superior Court; Courtesy Copy - Affidavit of Larry A Altherr filed in Yavapai County Superior Court; Courtesy Copy - Plaintiff's Response to Defendant's Motion for Partial Summary Judgment filed 03/29/2016 in Yavapai County Superior Court (Appellant)
12. 6-Sep-2016 FILED: Courtesy Copy - Plaintiff's Response to Defendant's Rule 56 Statement of Facts filed 03/29/2016 in Yavapai County Superior Court; Courtesy Copy - Plaintiff's Separate Statement of Facts in Support of His Response to Defendant's Motion for Partial Summary Judgment filed 03/29/2016 in Yavapai County Superior Court; Courtesy Copy - Robert Altherr's Separate Statement of Facts Exhibit List; Courtesy Copy - Rule 80 (i) Declaration of Robert Altherr filed 03/29/2016 in Yavapai County Superior Court (Appellant)
13. 6-Sep-2016 FILED: Courtesy Copy - Larry Altherr's Reply to Plaintiff's Response to Larry's Motion for Partial Summary Judgment filed in Yavapai County Superior Court; Courtesy Copy - Plaintiff's Evidentiary Objections to Defendant's Reply in Support of Motion for Partial Summary Judgment filed 04/14/2016 in Yavapai County Superior Court; Courtesy Copy - Order Granting Defendant's Motion for Partial Summary Judgment filed 04/25/2016 in Yavapai County Superior Court; Courtesy Copy - Judgment filed 05/31/2016 in Yavapai County Superior Court (Appellant)
14. 7-Sep-2016 FILED: Appellee's Motion to Strike Portions of Opening Brief; Certificate of Service - Appellee's Motion to Strike; Exhibit 1 to Appellee's Motion to Strike (Appellee)
15. 8-Sep-2016 ORDERED: vacating the 10/24/2016 due date for the answering brief. The order ruling on the pending motion will set a due date for filing the answering brief. Melina Brill ProTem Judge - Author
16. 26-Sep-2016 FILED: Plaintiff/Appellant's Response to Motion to Strike; Certificate of Service; Exhibits 1 and 2 (Appellant)
17. 28-Sep-2016 FILED: Appellee's Reply to Appellant's Response to Motion to Strike Portions of Opening Brief; Certificate of Service - Appellee's Reply to Appellant's Response to Motion to Strike Portions of Opening Brief; 2015 WL 673879 - Memorandum Decision in Samons (Appellee)
18. 5-Oct-2016 ORDERED: Appellee's Motion to Strike Portions of Opening Brief (Appellee) = DENIED. FURTHER ORDERED: denying the requests for attorneys' fees in connection with this motion. FURTHER ORDERED: answering brief due 11/07/2016. Melina Brill ProTem Judge - Author
19. 11-Oct-2016 FILED: Request for Oral Argument; Certificate of Service (Appellant)
20. 11-Oct-2016 FILED: Appellee's Answering Brief; Appellee's Certificate of Compliance for Answering Brief; Appellee's Certificate of Filing and Service for Answering Brief (Appellee)
21. 19-Oct-2016 FILED: Plaintiff/Appellant's Motion for Procedural Order for Extension of Reply Brief; Certificate of Service (Appellant)
22. 20-Oct-2016 ORDERED: Plaintiff/Appellant's Motion for Procedural Order for Extension of Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 11-07-2016 to Monday, 11-21-2016. Melina Brill ProTem Judge - Author
23. 18-Nov-2016 FILED: Reply Brief of Plaintiff/Appellant; Appellant's Certificate of Compliance; Appellant's Certificate of Service (Appellant)
24. 18-Nov-2016 FILED: Appendix (re: Appellant's Reply Brief) (Appellant)
25. 6-Dec-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (w/ Plaintiff's Notice of Appeal filed 11/16/2016 in Yavapai County Superior Court)
26. 12-Dec-2016 FILED: Motion to Consolidate; Certificate of Service (Appellant)
27. 13-Dec-2016 FILED: Appellee's Response to Appellant's Motion to Consolidate; Appellees Certificate of Service and Filing Response to Appellant's Motion to Consolidate; Attorneys Fees Order (Appellee)
28. 21-Dec-2016 FILED: Reply of Robert Altherr On His Motion to Consolidate Appeal No. 1 CA-CV 16-0718 With This Appeal; Certificate of Service (Appellant)
29. 29-Dec-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
30. 3-Jan-2017 ORDERED: Motion to Consolidate (Appellant) = DENIED. Melina Brill ProTem Judge - Author
31. 3-Jan-2017 ORDERED: Request for Oral Argument (Appellant) = GRANTED. Oral argument will be scheduled in the normal course of the court's civil appeals calendar, and the court will notify counsel of the date. Hon Michael J Brown - Author